



Animal Welfare Institute

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October 15, 2015

Honorable Rick Jones
Chairman, Senate Judiciary Committee
Michigan State Senate
Lansing, MI 48909

Dear Chairman Jones:

The Animal Welfare Institute wishes to express its strong support for **HB 4478**, which specifically allows for including companion animals on court-issued orders of protection.

Recognition of the strong relationship between domestic violence and animal abuse has grown exponentially over the past several years. Batterers, whether of a spouse, a child, or an elderly person, will not hesitate to harm companion animals as a means to frighten and control their victims. In fact, "animal abuse has been connected to increased severity of domestic violence and more controlling behaviors by the abuser."ⁱ The statistics, culled from various national studies, are disturbing:

- As many as 71 percent of women reported that their pets have been threatened, harmed, or killed by their abusive partners.
- **48 percent of battered women have delayed leaving a dangerous situation out of fear for the safety of their pet; that goes up to 65 percent if the pets had already been abused.** Some have returned after their abusers threatened to harm a pet—or made good on a threat.
- **Some survivors have reported living in their cars with their pets rather than leave them behind.**
- Even though intake interviews do not routinely ask about pets, 85 percent of responding domestic violence shelters indicated that women coming to their facilities spoke of incidents of pet abuse.ⁱⁱ

At the same time, more states are acting to help domestic violence victims by helping their pets. Last year alone, four states enacted new laws specifically authorizing the inclusion of companion animals on protection orders, bringing the total to 29 (as well as Washington, D.C. and Puerto Rico).

HB 4478 is a practical piece of legislation that would add considerably to Michigan's ability to safeguard victims of domestic violence. By specifically authorizing courts to include companion animals on personal protection orders, this bill would provide an important extra measure of protection to victims of domestic violence by helping to remove a serious obstacle to their leaving an abusive situation. In addition, including pets on a restraining order can authorize law enforcement to assist victims in retrieving pets left behind at the residence during flight.

According to a scientist who has studied the issue, "...[w]hen a woman who has been victimized makes a decision to protect a beloved pet, she's not a victim, and that's important."ⁱⁱⁱ Enacting HB 4478 would enable her to make that decision. The bill better enables domestic violence survivors to get themselves to safety because they would also be able to safeguard their pets. It also provides law enforcement with another means of enforcing protection orders. But it does not bestow new legal rights on animals, nor should it be expected that the courts would interpret it as doing so. In a relevant ruling (*Koester v. VCA Animal Hospital, et al*, LC No. 98-825257-NM, 2000), the Michigan Court of Appeals, even while acknowledging that domesticated pets have "value and sentimentality associated with them" unlike other personal property, did not agree with the plaintiff's claim that pets should not be considered as such. It deferred to the legislature in this regard.

As you know, the full House overwhelmingly supported the bill on a 358-96-9 vote today. We hope all members of the Michigan Senate Judiciary Committee will vote for HB 4467, which removes an obstacle to domestic violence survivors trying to escape abuse. If I can provide any additional information or otherwise be of assistance, please do not hesitate to contact me.

Sincerely,

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ⁱ Georgia Domestic Violence Fatality Review 2012 Annual Report, p. 11.

ⁱⁱ Ascione, F.R., Weber, C.V., & Wood, D.S. (1997). The abuse of animals and domestic violence: A national survey of shelters for women who are battered. *Society and Animals* 5(3), 205-218.

ⁱⁱⁱ "Why won't she leave him? Abused women often fear for pets left behind"
<http://www.sciencedaily.com/releases/2013/09/130925185309.htm>